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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,109	12/14/2000	Mary E. Pierce	072545-0037	8505

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EXAMINER

WACHTEL, ALEXIS A

ART UNIT	PAPER NUMBER
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1764

DATE MAILED: 05/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,109

Applicant(s)

PIERCE, MARY E.

Examiner

Alexis Wachtel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2-19-2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Detailed Action

Response to Amendment

1. Applicant's amendment and accompanying Remarks filed 2-19-2003 have been entered and carefully considered.

The amendment is insufficient to overcome the obviousness rejections of claims 1-62.

2. The text of US code used in this action can be found in the previous office action.

3. Claims 1-12, 18-62 rejected under 35 U.S.C. 103(a) as being unpatentable over Paper 22/97 in view of US 3,847,626 to Erickson et al substantially as set forth in the last office action.

4. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paper 22/97 in view of US 5,156,780 to Kenigsberg et al substantially as set forth in the last office action.

Response to Arguments

5. Examiner wishes to point out that Erickson was relied on for teachings regarding the desirability of using the claimed boron free glass fiber composition for the purpose of decreasing pollution. Paper 22/97E is concerned with attenuating the contaminating effects of boron in filter media made from glass fibers. Therefore, Erickson has indeed remedied a deficiency in Paper 22/97E. Additionally, Erickson et al was not relied upon for teachings of fiber diameter as Applicant suggested.

Applicant argues that Paper 22/97E fails to disclose boron free glass wool fibers and boron free chopped glass fibers. Applicant asserts that Paper 22/97E discloses

boron free glass wool fibers rather than chopped glass fibers having a fiber diameter in the range of 5 to 9 microns. Examiner agrees that Paper 22/97E discloses that "Traditional HEPA media contains glass fibers with boron as one of the elements constituting the glass network structure". Further, Traditional HEPA media contains reinforcement fibers of 6 to 7 microns (Paper 22/97E 1.Introduction, paragraphs 2 and 3). Examiner wishes to point out that Paper 22/97E is generally directed to the investigation of boron free glass fiber efficacy for specific filtration applications. Thus, one of ordinary skill would have seen that Paper 22/97E merely introduces the concept of using boron free glass fibers in traditionally structured HEPA filters.

Applicant asserts that Paper 22/97E states that boron-free reinforcement fibers are not known since Section 5 of Paper 22/97E speculates that "reinforcement fibers from boron-free glass based raw materials will be available at a later date. Paper 22/97E does not speculate on the existence of reinforcement fibers made from boron free glass raw materials. Rather, Paper 22/97E confidently awaits the definite arrival and delivery to market at some unspecified date of reinforcement fibers made of boron free glass based materials that are clearly intended to replace reinforcement fibers made with boron.

Examiner does not dispute that Paper 22/97E discloses glass wool fibers. A process of chopping said "glass wool fibers" will yield "chopped fibers." Depending on the semantics employed, a portion of the "chopped glass wool fibers" can be identified as glass wool fibers. Applicant has failed to provide a description identifying the structural differences between "glass wool fibers" and "chopped glass fibers" keeping in

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mind the fact that “glass wool fibers” can be subjected to a “chopping” process. Paper 22/97E specifically discloses that filtration media used for testing was made on a pilot paper machine (Paper 22/97E 5.Boron-free manufacturing, paragraph 1). One of ordinary skill would have readily seen that paper machines make paper from a fibrous slurry. Paper 22/97E fully intends to make a paper-like composite from glass wool fibers subject to the process parameters commonly employed in the paper making art. Examiner again stresses that the paper making process applied in the manner described by Paper 22/97E inherently must chop the glass fibers used in order to make a homogenous slurry which is used in a broadly interpreted “wet laid” process. Should Applicant contest this assertion, evidence provided by Applicant showing that a paper making machine or process does not require for fibers to be chopped would help overcome the use of Paper 22/97E as a reference.

Conclusion

6. Applicant’s amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Alex Wachtel, whose number is (703)-306-0320. The Examiner can normally be reached Mondays-Fridays from 10:30am to 6:30pm.

If attempts to reach the Examiner by telephone are unsuccessful and the matter is urgent, the Examiner's supervisor, Mr. Glenn Caldarola can be reached at (703) 308-6824. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



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